

**City of Warwick Planning Board
Meeting Minutes
Wednesday, August 10, 2011**

Members Present: John J. Mulhearn Jr., Chairman
Laura Pisatauro
Cynthia Gerlach
Sue Stenhouse
Vincent Gambardella
Leah Prata

Members Absent: Philip Slocum
Thomas Kiernan
James Desmarais

Also in attendance: Eric Hindinger
Patricia Reynolds, Business Development Planner
Kerry Raffanelli, Solicitor

Chairman Mulhearn called the meeting to order at 6:12 P.M.

Ms. Stenhouse made a motion to continue the June minutes to the next meeting. The motion was seconded by Mr. Gambardella. All voted in favor, none opposed.

Public Meeting

Minor Subdivision

Fairhaven Plat

Applicant: Bruce Soscia
Location: 35 Fairhaven Avenue
Assessor's Plat: 357
Lot(s): 108, 109 & 110
Zoning District: Residential, A-7
Land Area: 15,241 square feet
Existing No. of lots: 3
Proposed No. of lots: 2
Engineer: Boyer Associates
Ward: 5

Mark Boyer, Boyer Associates; represented the Applicant, Bruce Soscia; to request Preliminary Approval of a Minor Subdivision to reconfigure three (3) abutting, non-conforming lots to create two (2) lots; one (1) 7,032 square foot lot with an existing residence and one (1) 8,208 square foot lot for development.

Mr. Boyer testified that City water and sewers are available for the lot and that it will conform to all dimensional regulations. Mr. Boyer stated that the Applicant, Mr. Socia, has reviewed the Planning Department's findings and stipulations and has no comment or objection.

Being no comments or questions from the public or the Board, the Chairman asked to have the Planning Department's findings and recommendation entered into the record as an exhibit, which are as follows:

Exhibit:

Planning Department Findings

The Planning Department finds this proposal to be generally consistent with Article 1, "Purposes and General Statements" of the City's Development Review Regulations, and:

1. That the subject property is located at 35 Fairhaven Avenue and is identified as Assessor's Plat: 357, Assessor's Lots: 108, 109, & 110.
2. That the property consists of three (3) lots totaling 15,241 square feet and is currently zoned Residential A-7.
3. That the Applicant proposes to create two (2) lots; one (1) 7,032 square foot lot with an existing dwelling; and one (1) 8,208 square foot lot for development.
4. That all lots as proposed will conform to the requirements of the Residential A-7 Zoning District.
5. That the proposed development is generally consistent with the Comprehensive Community Plan.
6. That the property will have access to public water and sewer.
7. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
8. That the proposed development possesses adequate access to a public street.

Planning Department Recommendation

The Planning Department's recommendation is to grant Preliminary Approval with Final Approval to be through the Administrative Officer, upon compliance with the following stipulations:

1. That the final “Record Plat” shall show the existing property lines of lots 108, 109, & 110, such lot lines shall be shaded or dashed and that the proposed lot lines shall be shown as solid lines.
2. That prior to final approval the Applicant shall coordinate with the Sewer Authority for connection to Municipal Sewers.
3. That the existing and proposed properties shall be connected to Municipal Sewers, prior to the issuance of a Certificate of Occupancy (CO).
4. That the proposed monumentation shall be installed at the locations as shown on the final plan, prior to the recording of the “Record Plat”.
5. That the Applicant shall preserve and protect the existing mature trees, especially the 20” caliper shade tree that is noted on the Parcel 2, using RIDOT dripline tree protection. In the event that the aforementioned shade tree cannot be preserved, the Applicant shall plant two (2) street trees, prior to the issuance of a CO. The Applicant shall consult with the City’s Landscape Project Coordinator regarding species, size and location.
6. That the Applicant shall address the fence encroachments noted on the survey plan.

On the motion of Mr. Gambardella, seconded by Ms. Stenhouse, with Ms. Gerlach abstaining, the Planning Board voted unanimously to formally adopt the Planning Department’s findings and to grant Preliminary approval, with Final approval to be through the Administrative Officer, with the Planning Department’s recommended stipulations.

Public Meeting

Minor Subdivision

Melvin Plat

Applicant:	Richard S. and Lucille N. Melvin
Location:	120 Sycamore Avenue
Assessor’s Plat:	268
Lot(s):	107, 109-110
Zoning District:	Residential, A-7
Land Area:	21,271 square feet
Existing No. of lots:	5
Proposed No. of lots:	2
Engineer:	Boyer Associates
Ward:	8

Attorney Michael Fitzpatrick represented the Applicants, Richard S. and Lucille N. Melvin, to request Preliminary Approval of a Minor Subdivision to reconfigure five (5) abutting, non-conforming lots to create two (2) lots; one (1) 10,674 square foot lot with an existing residence and one (1) 10,597 square foot lot for development. Attorney Fitzpatrick testified that public water is available to the lot, but sewer connection is an issue. The Applicant has submitted an Onsite Waste Water Treatment System (OWTS) for the existing dwelling which is currently serviced by a cesspool, to Rhode Island Department of Environmental Management and it is in process.

Mr. Gambardella asked if there are sewers within 300' of the property, wouldn't it be a good idea for the Applicant to connect to sewers.

Mr. DePasquale explained that the Planning Department recommendation was written so that if the existing lot does not receive approval for the OWTS, both the house and the new lot shall be connected to sewer. Additionally, if the OWTS required for the existing dwelling is cost prohibitive and the sewer line is extended for the lot for development, both shall be required to connect to municipal service.

Being no comment or questions from the public and no further questions from the Board, Mr. DePasquale read the Planning Department's findings and recommendation into the record, as follows:

The Planning Department finds this proposal to be generally consistent with Article 1, "Purposes and General Statements" of the City's Development Review Regulations, and:

1. That the subject property is located at 120 Sycamore Avenue and is identified as Assessor's Plat: 268, Assessor's Lots: 107, 109-112.
2. That the property consists of five (5) lots totaling 21,271 square feet and is currently zoned Residential A-7.
3. That the Applicant proposes to create two (2) lots; one (1) 10,674 square foot lot with an existing dwelling; and one (1) 10,597 square foot lot for development.
4. That all lots as proposed will conform to the requirements of the Residential A-7 Zoning District.
5. That the proposed development is generally consistent with the Comprehensive Community Plan.
6. That the property has access to public water.
7. That the property does not have access to sewer service, however, there is a main sewer line within 300 feet of the development.

8. That in 2010, the Sewer Authority did a cost analysis and determined that the cost of extending sewers to the property would be \$57,178.87 and that the cost of a conventional system would be between \$10,000 and \$15,000 per lot.
9. That the Applicant has an approved RI Department of Environmental Management On-Site Wastewater Treatment System (OWTS) for Parcel A and is in the process of acquiring (OWTS) approval for Parcel B, currently serviced by cesspool.
10. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
11. That the proposed development possesses adequate access to a public street.

Planning Department Recommendation

The Planning Department's recommendation is to grant Preliminary Approval with Final Approval to be through the Administrative Officer, upon compliance with the following stipulations:

1. That the final "Record Plat" shall show the existing property lines of lots 107, 109-112; such lot lines shall be shaded or dashed and that the proposed lot lines shall be shown as solid lines.
2. That the Applicant shall receive an approved RIDEM (OWTS) for the existing house on Parcel B; currently serviced by a Cesspool, prior to Final Approval. In the event that the existing house on Parcel B, currently serviced by Cesspool, does not receive an approval for (OWTS) or in the event that the cost of (OWTS) becomes prohibitive and the Municipal Sewer Line is brought down to the properties, both Parcel A and Parcel B shall connect to Municipal Sewers.
3. That the existing house on Parcel B shall have the new (OWTS) installed, prior to the issuance of a Certificate of Occupancy (CO) for Parcel A.
4. That the proposed monumentation shall be installed at the locations as shown on the final plan, prior to the recording of the "Record Plat".
5. That the Applicant shall make every effort to preserve and protect as many existing mature trees as possible, using RIDOT dripline tree protection. In the event that the aforementioned mature shade trees cannot be preserved, the Applicant shall plant two (2) street trees; one (1) on proposed Parcel A and one (1) on Parcel B, prior to the issuance of a CO. The Applicant shall consult with the City's Landscape Project Coordinator regarding species, size and location.

Ms. Gerlach stated that the parcel identification on the plan presented is opposite from the recommendations. Ms. Reynolds stated that this will be corrected on the plan, prior to Final approval.

On the motion of Ms. Pisaturo, seconded by Ms. Prata, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant Preliminary approval, with Final approval to be through the Administrative Officer, with the Planning Department's recommended stipulations and the stipulation that the parcel identification shall be corrected on the Final Plan.

Public Meeting

Major Subdivision

Norwood Estates

Applicant: North End Realty, LLC
Location: 247 Sargent Street and Cherry Street
Assessor's Plat: 297
Lot(s): 232-234 & 290-296
Zoning District: Residential, A-7
Land Area: 67,995 square feet
Existing No. of lots: 10
Proposed No. of lots: 6
Engineer: SFM Engineering Associates/Flynn Surveys, Inc.
Ward: 2

Scott Moorehead, Engineer and owner of SFM Engineering represented the Applicant, North End Realty, LLC to request Final Approval of a Major Subdivision to reconfigure ten (10) lots to create six (6) lots, one (1) lot with an existing residence and five (5) new lots for development. Mr. Moorehead testified that the Applicant had no objections to the Planning Department's findings and recommendation.

Being no comments or questions from the public or he Board, the Chairman asked to have the Planning Department's findings and recommendation entered into the record as an exhibit, which are as follows:

Exhibit:

The Planning Department finds this proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

- 1) That the subject property is located along, Sargent Street & Cherry Street, and is identified as Assessor's Plat: 297; Assessor's Lot: 232, 233, 234, & 290 through 296.

- 2) That the property consists of ten (10) lots totaling 73,595 square feet and is currently zoned Residential A-7.
- 3) That the Applicant received a combined a Master Plan/Preliminary at the April 13, 2011, hearing to create six (6) lots; one (1) 7,616 square foot lot with an existing dwelling; and five (5) new lots for development.
- 4) That at the April 13, 2011 hearing several concerns were raised by the abutters regarding backflow and that the Planning Director submitted a memo to Janine Burke, Executive Director, Warwick Sewer Authority (Exhibit A) and has received a response (Exhibit B).
- 5) That all lots as proposed will conform to the requirements of the Residential A-7 Zoning District.
- 6) That the proposed development is generally consistent with the Comprehensive Community Plan.
- 7) That the proposed development is in compliance with the standards and provisions of the City's Zoning Ordinance.
- 8) That there will be no significant negative environmental impacts from the proposed development.
- 9) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 10) That the proposed development possesses adequate access to a public street.

Planning Department Recommendation

The Planning Department's recommendation is to grant Final Approval, with the following stipulations:

1. That the Applicant shall provide a bond, in the amount of \$3,000, for the connection of the existing dwelling (Record Lot 3) to sewers, prior to the recording of the Final Record Plat. Alternatively, the Applicant may connect the existing dwelling (RL3) to sewers, prior to the recording of the Final Record Plat.
2. That the proposed dwellings shall be connected to sewers, prior to the issuance of a CO.

3. That the Applicant shall install (13) thirteen 2-2½ inch caliper trees, Cleveland Select Flowering Pear (*Pyrus Calleryanna*), within the City right of way, one for every 50 feet of frontage. The Applicant shall loam and seed the remaining areas within the City Right-of-Way. All plantings shall comply with the American Nurseryman and Landscape Association Standards (ANSI Z60.1-2004).
4. That the Applicant shall provide a Performance Bond, in the amount of \$71,704, for the roadway improvements.
5. That the Applicant shall dedicate a “fee-in-lieu of open space”, in the amount of \$20,625.00 equal to five (5) lots to the City of Warwick for Recreational District 5, as presented in the Warwick Comprehensive Plan Recreation Element, prior to recording the Final Record Plat.

On the motion of Mr. Gambardella, seconded by Ms. Stenhouse, with Ms. Pisaturo abstaining, the Planning Board voted unanimously to formally adopt the Planning Department’s findings and to grant Final approval, with the Planning Department’s recommended stipulations.

Public Hearing

Major Land Development Project

North Street/PDR-L

Applicant:	Robert and Cherine Spagnolo
Location:	20-22 North Street
Assessor’s Plat:	274
Lot(s):	109
Zoning District:	Residential, A-7, with PDR-L Overlay &an existing Historic Overlay District
Land Area:	20,045 square feet
Surveyor:	Robert Spagnolo
Ward:	8

Attorney K. Joseph Shekarchi represented the Applicants, Robert and Cherine Spagnolo to request Preliminary Approval of a Major Land Development Project to allow for the conversion of an existing 2-unit dwelling to a 3-unit dwelling, on a lot with less than required frontage and lot width and less than required front and side yard setback. Mr. Shekarchi testified that this is the last public hearing required for this project and that this has been a long process for the Applicants. The Spagnolo’s have been held in limbo by the Newton exemption trying to establish this property as a legal three family. Subsequently, an ordinance has been passed by the City Council allowing the Applicants to submit this application. Mr. Shekarchi further stated that the Applicants have already received Master Plan Approval from the Planning Board and approval for the City Council for a zone change on the property, and that they are now requesting Preliminary Approval for the project.

Ms. Prata made a motion to open the public hearing. The motion was seconded by Ms. Stenhouse. Being no one present for the application, Ms. Stenhouse made a motion to close the public hearing. The motion was seconded by Ms. Prata. All voted in favor.

Being no comments or questions from the public or the Board, the Chairman asked to have the Planning Department's findings and recommendation entered into the record as an exhibit, which are as follows

Exhibit:

The Planning Department finds this proposal to be generally consistent with Article 1, "Purposes and General Statements" of the City's Development Review Regulations, and:

1. That the existing 2-unit dwelling has been determined to be a legal use as established by the 1954 Tax Assessor's record.
2. That the proposal is to convert the existing storage area, above the attached garage, to living space.
3. That the proposal is consistent with the surrounding area, 61% of the properties within the 200' radius are multifamily, consisting of (18) single family residences, (7) 2-unit residences, (3) 3-unit residences, and (1) 5-unit residence.
4. That the proposal received a City Council Zone Change, PCO 14-11, to A-7 with a PDR-L Overlay, within an existing Historic Overlay District with variances for less than required frontage and lot width and less than required front and side yard setback from the existing structure.
5. That the proposal is consistent with the lot area and density requirements contained within the City of Warwick Zoning Ordinance; Subsection 308.3A, "*Development Standards for Planning District Residential-Limited (PDR-L)*."
6. That the Applicant received Historic District Commission approval in April 2007 to demolish the existing garage/outbuilding and to construct an attached (3) bay garage with storage space above.
7. That public sewer and water are available to the property.
8. That the proposed development is generally consistent with the Comprehensive Community Plan.
9. That there will be no significant negative environmental impacts from the proposed development.

10. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
11. That the proposed development possesses adequate access to a public street.

Planning Department Recommendations

The Planning Department recommendation is to grant Preliminary Approval with Final Approval to be through the Administrative Officer, with the following stipulations:

1. That the Applicant shall install a six foot stockade fence along the easterly property line to buffer the parking area from the abutting property.
2. That the Applicant shall install (1) one 2-2.5 inch caliper tree. Tree location and species shall be noted on the Final Plan
3. That the off-street parking area and driveway shall be surfaced with bituminous surface with appropriate drainage; or as an alternative, a ¾ inch crushed stone surface having a minimum depth of 4" to 6" inches.
4. That the off-street parking area surfaced by crushed stone or bituminous surface shall include the area dedicated to (6) six, 9'x 18' parking stalls; as well as the driveway and back-up area behind the parking stalls, which shall extend a minimum depth of 20' behind the said stalls.
5. That the Applicant shall install bumper guards as wheel barriers at each parking stall to define the parking area at each parking stall and to prevent projection of vehicles onto the adjacent properties.
6. That the property owner shall have the existing unregistered vehicles removed and prevent any future storage of unregistered, junked, or inoperable vehicles at the property.

On the motion of Mr. Gambardella, seconded by Ms. Stenhouse, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant Preliminary Approval with Final Approval to be through the Administrative Officer, with the Planning Department's recommended stipulations.

Public Hearing

**Major Change to a
Major Land Development Project**

577 and 615 Greenwich Avenue

Applicant: 5-113 LLC
Location: 555 Greenwich Avenue (Lowe's)
575 Greenwich Avenue (Stop & Shop)
577 Greenwich Avenue (6,750 sf retail space abutting Stop & Shop)
615 Greenwich Avenue (44,200 sf freestanding retail building)
Assessor's Plat: 271
Lot(s): 001
Zoning District: General Business
Land Area: 28.7 acres
Number of lots: 1
Engineer: VHB, Inc.
Ward: 8

Attorney K. Joseph Shekarchi represented the Applicant, 5-113, LLC to request Preliminary Approval of a Major Change to a previously approved Major Land Development Project. Mr. Shekarchi gave a brief overview of the approval process for the project and explained that the Applicant did develop surplus land area acquired from the City to provide surplus parking for the development and asked that the Planning Board remove the stipulation limiting the site to retail use only, with no restaurant use being permitted. Mr. Shekarchi testified that the Applicant is proposing to add a fast food use and that this is a simple and reasonable request.

Mr. Mulhearn stated that a restaurant use is consistent with other parcels in the area and that the parcel in question had once had a restaurant on it. Mr. Mulhearn stated his concern is with the amount of available parking on the parcel and if every new restaurant proposed would require a review.

Mr. DePasquale explained that the Planning Department will review this for every new use proposed, as it does for all other development proposals in the city.

Ms. Stenhouse asked about future use of the building, if the Zoning Board does grant this approval. Mr. DePasquale responded that once this is approved by the Zoning Board, the approval stays with the parcel, but that each new use will require review.

A motion was made by Mr. Gambardella to open the Public Hearing. The motion was seconded by Ms. Pisaturo.

Ms. Kimberly Pastore of 161 Rome Avenue stated that she is concerned about preserving the neighbor across the street and wants to make sure that there are no drive-thrus allowed with the new uses proposed.

The Board discussed amending the Planning Board's stipulations to include a restriction on drive-thru.

Being no further comments from the public, Ms. Pisaturo made a motion to close the public hearing. The motion was seconded by Ms. Stenhouse. All voted in favor.

Being no further comments or questions from the Board, the Chairman asked to have the Planning Department's findings entered into the record as an exhibit, which are as follows:

Exhibit:

The Planning Department finds this proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and

1. Generally consistent with the Comprehensive Community Plan.
2. In compliance with the standards and provisions of the City's Zoning Ordinance having received City Council zone change PCO-35-05, Amended with relief for less than required parking allowing a reduction in the minimum required spaces to 1087 spaces.
3. The proposed major change to the Major Land Development Project will not exceed the minimum parking requirement of 1,087 spaces specified by City Council zone change PCO-35-05, Amended.
4. That there will be no significant negative environmental impacts from the proposed development.
5. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
6. That the proposed development possesses adequate access to a public street.

The Planning Department also finds this proposal to be generally consistent with the following Goals as presented in the Economic Element of the City's Comprehensive Plan:

- a. Ensure the retention and expansion of existing businesses in Warwick.
- b. Assist in forming an economic base capable of providing a desirable standard of living creating job opportunities, and fulfilling reasonable government tax needs.

- c. Maximize employment opportunities for Warwick residents including: disadvantaged minority groups, the unemployed and under-employed.
- d. Encourage commercial and industrial development in Warwick that emphasizes business retention and expansion.

Mr. DePasquale read the following revised recommendation,

The Planning Department's recommendation is to grant Preliminary Approval with Final Approval to be through the Administrative Officer, with the following stipulations:

1. That the Applicant shall receive approval from the Warwick Zoning Board for relief from the Warwick Zoning Ordinance, Section 304.5 More than one nonresidential use or building on a lot authorizing more than one actual use on Assessor's Plat 271, Assessor's Lot 001, specifically for the buildings located at 577 and 615 Greenwich Avenue. The Applicant shall prepare a use and occupancy layout listing the specific, actual use code from Warwick Zoning Ordinance, Table 1. Use Regulations for all of the existing and proposed uses for 577 and 615 Greenwich Avenue which shall be restricted to those uses allowed by right in a General Business zone.
2. That for any future uses proposed for the buildings located at 577 and 615 Greenwich Avenue which exceed the retail parking requirement of 1 space/200 sf gross floor area, the Applicant shall submit a revised use and occupancy layout and associated parking calculations to the Planning Director for review and approval.
3. That any additional parking required for the uses in buildings 577 and 615 Greenwich Avenue, in combination with the existing uses at 555 Greenwich Avenue (Lowe's) and 575 Greenwich Avenue (Stop and Shop), shall not exceed the total number of available parking spaces of 1,148 spaces. This number of 1,148 spaces is derived from the total of 1,087 spaces authorized by the City Council and the 61 additional spaces provided by the Applicant.
4. If the total parking required for all of the uses on the lot exceeds the available 1,148 spaces, the Applicant shall receive approval from the Warwick City Council for a modification to the existing zone change.
5. That the project engineer shall submit an "As Built" parking plan for Assessor's Plat 271, lot 001 to be used as a baseline for any future development of the parcel. This plan shall indicate the total number of spaces in each parking row and shall include a table indicating the total number of parking spaces constructed on the parcel
6. That any additional development on the property shall require a Development Plan Review (DPR) to be approved by the Warwick Planning Board in compliance with City of Warwick Development Review Regulations.

7. That there shall be no drive-thru windows allowed on the site.

On the motion of Ms. Stenhouse, seconded by Mr. Gambardella, with Mr. Mulhearn abstaining, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant Preliminary Approval with Final Approval to be through the Administrative Officer, with the Planning Department's recommended stipulations as amended.

Mr. DePasquale informed that Board that a draft copy of Redevelopment District Master Plan was included in their packet for review, and that this would be on the agenda next month for consideration.

Mr. Mulhearn suggested that the Board members contact the planning department with comments prior to the September meeting and that a few designated times should be set up for any Board members with comments or questions.

A motion to approve the bond release for Viewesta Court, the Faria Plat was made by Ms. Stenhouse and seconded by Ms. Pisaturo. All voted in favor.

The meeting was adjourned at 7:05pm.